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**WASHINGTON DC 20005-1503**

**MAILED**

**MAY 10 2011**

**OFFICE OF PETITIONS**

|                                |   |                      |
|--------------------------------|---|----------------------|
| In re Application of           | : |                      |
| Helmut FITZ                    | : |                      |
| Application No. 10/766,478     | : | DECISION ON PETITION |
| Filed: January 29, 2004        | : |                      |
| Attorney Docket No. 2004_0121A | : |                      |

This is a decision on the petition, filed April 20, 2011, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application became abandoned as a result of petitioner's failure to take appropriate action in a timely manner after the decision of August 18, 2009 by the Board of Patent Appeals and Interferences. Therefore, the proceedings as to the rejected claims were terminated. *See* 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on October 19, 2009. *See* MPEP 1214.06.

Petitioner asserts that a timely reply was mailed on October 16, 2009 and request withdrawal of the abandonment mailed October 23, 2009.

A review of the Office indicated that a reply was filed in the Office on October 16, 2009, which would have rendered the reply timely if received.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of August 18, 2009 is hereby withdrawn and the application restored to pending status.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at (571) 272-4231.

This application is being referred to Technology Center AU 3637 for appropriate action in the normal course of business on the reply received October 16, 2009.



Thurman K. Page  
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